IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 14509 of 2004

Between:

Pesala Venkata Kameswara Rao, S/o.Venkatasubbaiah,
Nellore Main Bus Stand, Nellore R/o.Nellore District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Nellore District.

2. The Divisional Manager, APSRTC, Nellore District.

3. The Depot Manager, Nellore Depot-I, Main Bus Stand,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or order direction more one in the nature of *Writ of Mandamus* declaring the proceedings of the 1st respondent issued in 02/122/(74)/2001-RM(N) dt.6-7-2004 so far as Terms and condition No.6 is concerned which insists the petitioner to enter a fresh agreement with the respondents for the extended period of license as illegal, arbitrary, unjustified and consequently, direct the respondents to allow the petitioner to run his Fast Food Centre/Canteen in Room No.1 of Nellore APSRTC Main bus stand, Nellore on same terms and conditions in the agreement dated 31-8-2001 which was entered by the respondents with the petitioner except enhancement the license fee is concerned as the orders of the 1st respondent issued in proceedings No.02/122(74)/2001-RM(N), dated 6-7-2004 are only orders of extension of License period for 3 more years which is relying on previous deed of license dated 31-8-2001.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: MR.R.MANMADHA REDDY

The Court made the following:

ORDER:

Challenging the proceedings No. 02/122(74)/2001-RM(N), dated 06.07.2004 of the first respondent in so far as the terms and condition No.6 of the agreement is concerned, the present writ petition is filed.

2. Heard both the counsel.

3. Without going into the merits of the case, since the writ petitioner is bound to the terms and conditions of the agreement, I deem it appropriate to direct the writ petitioner to approach the first respondent and file an application with regard to the onerous conditions in the office order dated 06.07.2004 with reasons, within a period of one week from the date of receipt of a copy of this order. On filing of such application, the first respondent shall consider the same in accordance with rules and regulations.

4. Accordingly, the writ petition is disposed of. No costs.

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(K.C.BHANU,J)

14th December, 2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, APSRTC, Nellore District.

2. The Divisional Manager, APSRTC, Nellore District.

3. The Depot Manager, Nellore Depot-I, Main Bus Stand,

Nellore District.

4. Two C.D. copies